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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
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	.	

The Committee on Fiscal Policy (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 92.53, Florida Statutes, is amended to
read:

92.53 Videotaping the testimony of a victim or witness
under age 18 ~~16~~ or who has an intellectual disability.—

(1) On motion and hearing in camera and a finding that
there is a substantial likelihood that a victim or witness who
is under the age of 18 ~~16~~ or who has an intellectual disability



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12 as defined in s. 393.063 would suffer at least moderate
13 emotional or mental harm due to the presence of the defendant if
14 such victim or witness is required to testify in open court, or
15 is unavailable as defined in s. 90.804(1), the trial court may
16 order the videotaping of the testimony of the victim or witness
17 in a case, whether civil or criminal in nature, in which
18 videotaped testimony is to be used at trial in lieu of trial
19 testimony in open court.

20 (2) The motion may be filed by:

21 (a) The victim or witness, or the victim's or witness's
22 attorney, parent, legal guardian, or guardian ad litem;

23 (b) A trial judge on his or her own motion;

24 (c) Any party in a civil proceeding; or

25 (d) The prosecuting attorney or the defendant, or the
26 defendant's counsel.

27 (3) The judge shall preside, or shall appoint a special
28 master to preside, at the videotaping unless:

29 (a) The child or the person who has the intellectual
30 disability is represented by a guardian ad litem or counsel;

31 (b) The representative of the victim or witness and the
32 counsel for each party stipulate that the requirement for the
33 presence of the judge or special master may be waived; and

34 (c) The court finds at a hearing on the motion that the
35 presence of a judge or special master is not necessary to
36 protect the victim or witness.

37 (4) The defendant and the defendant's counsel must be
38 present at the videotaping unless the defendant has waived this
39 right. The court may require the defendant to view the testimony
40 from outside the presence of the child or the person who has an



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41 intellectual disability by means of a two-way mirror or another
42 similar method that ensures that the defendant can observe and
43 hear the testimony of the victim or witness in person, but the
44 victim or witness cannot hear or see the defendant. The
45 defendant and the attorney for the defendant may communicate by
46 any appropriate private method.

47 (5) Any party, or the court on its own motion, may request
48 the aid of an interpreter, as provided in s. 90.606, to aid the
49 parties in formulating methods of questioning the child or
50 person who has the intellectual disability and in interpreting
51 the answers of the child or person during proceedings conducted
52 under this section.

53 (6) The motion referred to in subsection (1) may be made at
54 any time with reasonable notice to each party to the cause, and
55 videotaping of testimony may be made any time after the court
56 grants the motion. The videotaped testimony is admissible as
57 evidence in the trial of the cause; however, such testimony is
58 not admissible in any trial or proceeding in which such witness
59 testifies by use of closed circuit television pursuant to s.
60 92.54.

61 (7) The court shall make specific findings of fact, on the
62 record, as to the basis for its ruling under this section.

63 Section 2. Section 92.54, Florida Statutes, is amended to
64 read:

65 92.54 Use of closed circuit television in proceedings
66 involving a victim or witness under the age of 18 ~~16~~ or who has
67 an intellectual disability.—

68 (1) Upon motion and hearing in camera and upon a finding
69 that there is a substantial likelihood that a victim or witness



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70 under the age of 18 ~~16~~ or who has an intellectual disability
71 will suffer at least moderate emotional or mental harm due to
72 the presence of the defendant if such victim or witness is
73 required to testify in open court, or is unavailable as defined
74 in s. 90.804(1), the trial court may order that the testimony of
75 the victim or witness be taken outside of the courtroom and
76 shown by means of closed circuit television.

77 (2) The motion may be filed by the victim or witness; the
78 attorney, parent, legal guardian, or guardian ad litem of the
79 victim or witness; the prosecutor; the defendant or the
80 defendant's counsel; or the trial judge on his or her own
81 motion.

82 (3) Only the judge, the prosecutor, the defendant, the
83 attorney for the defendant, the operators of the videotape
84 equipment, an interpreter, and some other person who, in the
85 opinion of the court, contributes to the well-being of the child
86 or the person who has an intellectual disability and who will
87 not be a witness in the case may be in the room during the
88 recording of the testimony.

89 (4) During the victim's or witness's testimony by closed
90 circuit television, the court may require the defendant to view
91 the testimony from the courtroom. In such a case, the court
92 shall permit the defendant to observe and hear the testimony of
93 the victim or witness, but must ensure that the victim or
94 witness cannot hear or see the defendant. The defendant's right
95 to assistance of counsel, which includes the right to immediate
96 and direct communication with counsel conducting cross-
97 examination, must be protected and, upon the defendant's
98 request, such communication must be provided by any appropriate



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99 electronic method.

100 (5) The court shall make specific findings of fact, on the
101 record, as to the basis for its ruling under this section.

102 Section 3. Section 92.55, Florida Statutes, is amended to
103 read:

104 92.55 Judicial or other proceedings involving victim or
105 witness under the age of 18 ~~16~~, a person who has an intellectual
106 disability, or a sexual offense victim or witness; special
107 protections; use of registered service or therapy animals.—

108 (1) For purposes of this section, the term:

109 (a) "Sexual offense victim or witness" means a person who
110 was under the age of 18 ~~16~~ when he or she was the victim of or a
111 witness to a sexual offense.

112 (b) "Sexual offense" means any offense specified in s.
113 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

114 (2) Upon motion of any party, upon motion of a parent,
115 guardian, attorney, ~~or~~ guardian ad litem, or other advocate
116 appointed by the court under s. 914.17 for a victim or witness
117 under the age of 18 ~~16~~, a person who has an intellectual
118 disability, or a sexual offense victim or witness, or upon its
119 own motion, the court may enter any order necessary to protect
120 the victim or witness in any judicial proceeding or other
121 official proceeding from severe emotional or mental harm due to
122 the presence of the defendant if the victim or witness is
123 required to testify in open court. Such orders must relate to
124 the taking of testimony and include, but are not limited to:

125 (a) Interviewing or the taking of depositions as part of a
126 civil or criminal proceeding.

127 (b) Examination and cross-examination for the purpose of



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128 qualifying as a witness or testifying in any proceeding.

129 (c) The use of testimony taken outside of the courtroom,
130 including proceedings under ss. 92.53 and 92.54.

131 (3) In ruling upon the motion, the court shall consider:

132 (a) The age of the child, the nature of the offense or act,
133 the relationship of the child to the parties in the case or to
134 the defendant in a criminal action, the degree of emotional
135 trauma that will result to the child as a consequence of the
136 defendant's presence, and any other fact that the court deems
137 relevant;

138 (b) The age of the person who has an intellectual
139 disability, the functional capacity of such person, the nature
140 of the offenses or act, the relationship of the person to the
141 parties in the case or to the defendant in a criminal action,
142 the degree of emotional trauma that will result to the person as
143 a consequence of the defendant's presence, and any other fact
144 that the court deems relevant; or

145 (c) The age of the sexual offense victim or witness when
146 the sexual offense occurred, the relationship of the sexual
147 offense victim or witness to the parties in the case or to the
148 defendant in a criminal action, the degree of emotional trauma
149 that will result to the sexual offense victim or witness as a
150 consequence of the defendant's presence, and any other fact that
151 the court deems relevant.

152 (4) In addition to such other relief provided by law, the
153 court may enter orders limiting the number of times that a
154 child, a person who has an intellectual disability, or a sexual
155 offense victim or witness may be interviewed, prohibiting
156 depositions of the victim or witness, requiring the submission



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157 of questions before the examination of the victim or witness,
158 setting the place and conditions for interviewing the victim or
159 witness or for conducting any other proceeding, or permitting or
160 prohibiting the attendance of any person at any proceeding. The
161 court shall enter any order necessary to protect the rights of
162 all parties, including the defendant in any criminal action.

163 (5) The court may set any other conditions it finds just
164 and appropriate when taking the testimony of a child victim or
165 witness or a sexual offense victim or witness, including the use
166 of a service or therapy animal that has been evaluated and
167 registered according to national standards, in any proceeding
168 involving a sexual offense. When deciding whether to permit a
169 child victim or witness or sexual offense victim or witness to
170 testify with the assistance of a registered service or therapy
171 animal, the court shall consider the age of the child victim or
172 witness, the age of the sexual offense victim or witness at the
173 time the sexual offense occurred, the interests of the child
174 victim or witness or sexual offense victim or witness, the
175 rights of the parties to the litigation, and any other relevant
176 factor that would facilitate the testimony by the child victim
177 or witness or sexual offense victim or witness.

178 Section 4. Section 741.281, Florida Statutes, is amended to
179 read:

180 741.281 Court to order batterers' intervention program
181 attendance.—If a person is found guilty of, has adjudication
182 withheld on, or pleads nolo contendere to a crime of domestic
183 violence, as defined in s. 741.28, that person shall be ordered
184 by the court to a minimum term of 1 year's probation and the
185 court shall order that the defendant attend and complete a



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186 batterers' intervention program and, if a crime of domestic
187 violence was committed upon or in the presence of a child, a
188 parenting course as a condition of probation. The court must
189 impose the condition of the batterers' intervention program and
190 parenting course for a defendant under this section, but the
191 court, in its discretion, may determine not to impose the
192 condition if it states on the record why a batterers'
193 intervention program and the parenting course might be
194 inappropriate. The court must impose the condition of the
195 batterers' intervention program for a defendant placed on
196 probation unless the court determines that the person does not
197 qualify for the batterers' intervention program pursuant to s.
198 741.325. The imposition of probation under this section does not
199 preclude the court from imposing any sentence of imprisonment
200 authorized by s. 775.082.

201 Section 5. Section 741.283, Florida Statutes, is amended to
202 read:

203 741.283 Minimum term of imprisonment for domestic
204 violence.—If a person is adjudicated guilty of a crime of
205 domestic violence, as defined in s. 741.28, and the person has
206 intentionally caused bodily harm to another person, the court
207 shall order the person to serve a minimum of 30 ~~5~~ days in the
208 county jail as part of the sentence imposed, unless the court
209 sentences the person to a nonsuspended period of incarceration
210 in a state correctional facility. This section does not preclude
211 the court from sentencing the person to probation, community
212 control, or an additional period of incarceration.

213 Section 6. Subsection (1) of section 775.08435, Florida
214 Statutes, is amended to read:



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215 775.08435 Prohibition on withholding adjudication in felony
216 cases.—

217 (1) Notwithstanding the provisions of s. 948.01, the court
218 may not withhold adjudication of guilt upon the defendant for:

219 (a) Any capital, life, or first degree felony offense.

220 (b) A second degree felony offense unless:

221 1. The state attorney requests in writing that adjudication
222 be withheld; or

223 2. The court makes written findings that the withholding of
224 adjudication is reasonably justified based on circumstances or
225 factors in accordance with those set forth in s. 921.0026.

226

227 Notwithstanding any provision of this section, no adjudication
228 of guilt shall be withheld for a second degree felony offense if
229 the defendant has a prior withholding of adjudication for a
230 felony that did not arise from the same transaction as the
231 current felony offense.

232 (c) A third degree felony offense if the defendant has a
233 prior withholding of adjudication for a felony offense that did
234 not arise from the same transaction as the current felony
235 offense unless:

236 1. The state attorney requests in writing that adjudication
237 be withheld; or

238 2. The court makes written findings that the withholding of
239 adjudication is reasonably justified based on circumstances or
240 factors in accordance with those set forth in s. 921.0026.

241 (d) A third degree felony offense of domestic violence, as
242 defined in s. 741.18, unless:

243 1. The state attorney requests in writing that adjudication



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244 be withheld; or

245 2. The court makes written findings that the withholding of
246 adjudication is reasonably justified based on circumstances or
247 factors in accordance with those set forth in s. 921.0026.

248

249 Notwithstanding any provision of this section, no adjudication
250 of guilt shall be withheld for a third degree felony offense if
251 the defendant has two or more prior withholdings of adjudication
252 for a felony that did not arise from the same transaction as the
253 current felony offense.

254 Section 7. Subsections (1), (3), and (4) of section 782.04,
255 Florida Statutes, are amended to read:

256 782.04 Murder.—

257 (1) (a) The unlawful killing of a human being:

258 1. When perpetrated from a premeditated design to effect
259 the death of the person killed or any human being;

260 2. When committed by a person engaged in the perpetration
261 of, or in the attempt to perpetrate, any:

262 a. Trafficking offense prohibited by s. 893.135(1),

263 b. Arson,

264 c. Sexual battery,

265 d. Robbery,

266 e. Burglary,

267 f. Kidnapping,

268 g. Escape,

269 h. Aggravated child abuse,

270 i. Aggravated abuse of an elderly person or disabled adult,

271 j. Aircraft piracy,

272 k. Unlawful throwing, placing, or discharging of a



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273 destructive device or bomb,
274 1. Carjacking,
275 m. Home-invasion robbery,
276 n. Aggravated stalking,
277 o. Murder of another human being,
278 p. Resisting an officer with violence to his or her person,
279 q. Aggravated fleeing or eluding with serious bodily injury
280 or death,
281 r. Felony that is an act of terrorism or is in furtherance
282 of an act of terrorism, ~~or~~
283 s. Human trafficking, or
284 3. Which resulted from the unlawful distribution of any
285 substance controlled under s. 893.03(1), cocaine as described in
286 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
287 compound, derivative, or preparation of opium, or methadone by a
288 person 18 years of age or older, when such drug is proven to be
289 the proximate cause of the death of the user,
290
291 is murder in the first degree and constitutes a capital felony,
292 punishable as provided in s. 775.082.
293 (b) In all cases under this section, the procedure set
294 forth in s. 921.141 shall be followed in order to determine
295 sentence of death or life imprisonment.
296 (3) When a human being is killed during the perpetration
297 of, or during the attempt to perpetrate, any:
298 (a) Trafficking offense prohibited by s. 893.135(1),
299 (b) Arson,
300 (c) Sexual battery,
301 (d) Robbery,



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302 (e) Burglary,
303 (f) Kidnapping,
304 (g) Escape,
305 (h) Aggravated child abuse,
306 (i) Aggravated abuse of an elderly person or disabled
307 adult,
308 (j) Aircraft piracy,
309 (k) Unlawful throwing, placing, or discharging of a
310 destructive device or bomb,
311 (l) Carjacking,
312 (m) Home-invasion robbery,
313 (n) Aggravated stalking,
314 (o) Murder of another human being,
315 (p) Aggravated fleeing or eluding with serious bodily
316 injury or death,
317 (q) Resisting an officer with violence to his or her
318 person, ~~or~~
319 (r) Felony that is an act of terrorism or is in furtherance
320 of an act of terrorism, or
321 (s) Human trafficking,
322
323 by a person other than the person engaged in the perpetration of
324 or in the attempt to perpetrate such felony, the person
325 perpetrating or attempting to perpetrate such felony commits
326 murder in the second degree, which constitutes a felony of the
327 first degree, punishable by imprisonment for a term of years not
328 exceeding life or as provided in s. 775.082, s. 775.083, or s.
329 775.084.
330 (4) The unlawful killing of a human being, when perpetrated



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331 without any design to effect death, by a person engaged in the
332 perpetration of, or in the attempt to perpetrate, any felony
333 other than any:

- 334 (a) Trafficking offense prohibited by s. 893.135(1),
- 335 (b) Arson,
- 336 (c) Sexual battery,
- 337 (d) Robbery,
- 338 (e) Burglary,
- 339 (f) Kidnapping,
- 340 (g) Escape,
- 341 (h) Aggravated child abuse,
- 342 (i) Aggravated abuse of an elderly person or disabled
343 adult,
- 344 (j) Aircraft piracy,
- 345 (k) Unlawful throwing, placing, or discharging of a
346 destructive device or bomb,
- 347 (l) Unlawful distribution of any substance controlled under
348 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
349 opium or any synthetic or natural salt, compound, derivative, or
350 preparation of opium by a person 18 years of age or older, when
351 such drug is proven to be the proximate cause of the death of
352 the user,
- 353 (m) Carjacking,
- 354 (n) Home-invasion robbery,
- 355 (o) Aggravated stalking,
- 356 (p) Murder of another human being,
- 357 (q) Aggravated fleeing or eluding with serious bodily
358 injury or death,
- 359 (r) Resisting an officer with violence to his or her



360 person, ~~or~~
361 (s) Felony that is an act of terrorism or is in furtherance
362 of an act of terrorism, or

363 (t) Human trafficking,

364
365 is murder in the third degree and constitutes a felony of the
366 second degree, punishable as provided in s. 775.082, s. 775.083,
367 or s. 775.084.

368 Section 8. Paragraph (h) is added to subsection (3) of
369 section 787.06, Florida Statutes, paragraph (b) of subsection
370 (4) is amended, subsections (5) through (9) are renumbered as
371 subsections (6) through (10), respectively, and a new subsection
372 (5) is added to that section, to read:

373 787.06 Human trafficking.—

374 (3) Any person who knowingly, or in reckless disregard of
375 the facts, engages in human trafficking, or attempts to engage
376 in human trafficking, or benefits financially by receiving
377 anything of value from participation in a venture that has
378 subjected a person to human trafficking:

379 (h) And during the commission or attempt to commit the
380 offense of human trafficking causes great bodily harm, permanent
381 disability, or permanent disfigurement to the victim of the
382 human trafficking offense or attempted offense commits a felony
383 of the first degree, punishable for a term of years not
384 exceeding life, as provided in s. 775.082, s. 775.083, or s.
385 775.084.

386
387 For each instance of human trafficking of any individual under
388 this subsection, a separate crime is committed and a separate



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389 punishment is authorized.

390 (4)

391 (b) Any person who permanently brands, or directs to be
392 permanently branded, for the purpose of committing an offense
393 under this section, a victim of an offense under this section
394 commits a second degree felony, punishable as provided in s.
395 775.082, s. 775.083, or s. 775.084. For purposes of this
396 subsection, the term "permanently branded" means a mark on the
397 individual's body that, if it can be removed or repaired at all,
398 can only be removed or repaired by surgical means, laser
399 treatment, or other medical procedure.

400 (5) A victim's lack of chastity or the willingness or
401 consent of a victim is not a defense to prosecution under this
402 section if the victim was under 18 years of age at the time of
403 the offense.

404 Section 9. Section 794.022, Florida Statutes, is amended to
405 read:

406 794.022 Rules of evidence.—

407 (1) The testimony of the victim need not be corroborated in
408 a prosecution under s. 787.06, s. 794.011, or s. 800.04.

409 (2) Specific instances of prior consensual sexual activity
410 between the victim and any person other than the offender may
411 ~~shall~~ not be admitted into evidence in a prosecution under s.
412 787.06, s. 794.011, or s. 800.04. However, such evidence may be
413 admitted if it is first established to the court in a proceeding
414 in camera that such evidence may prove that the defendant was
415 not the source of the semen, pregnancy, injury, or disease; or,
416 when consent by the victim is at issue, such evidence may be
417 admitted if it is first established to the court in a proceeding



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418 in camera that such evidence tends to establish a pattern of
419 conduct or behavior on the part of the victim which is so
420 similar to the conduct or behavior in the case that it is
421 relevant to the issue of consent.

422 (3) Notwithstanding any other provision of law, reputation
423 evidence relating to a victim's prior sexual conduct or evidence
424 presented for the purpose of showing that manner of dress of the
425 victim at the time of the offense incited the sexual battery may
426 ~~shall~~ not be admitted into evidence in a prosecution under s.
427 787.06, s. 794.011, or s. 800.04.

428 (4) When consent of the victim is a defense to prosecution
429 under s. 787.06, s. 794.011, or s. 800.04, evidence of the
430 victim's mental incapacity or defect is admissible to prove that
431 the consent was not intelligent, knowing, or voluntary; and the
432 court shall instruct the jury accordingly.

433 (5) An offender's use of a prophylactic device, or a
434 victim's request that an offender use a prophylactic device, is
435 not, by itself, relevant to either the issue of whether or not
436 the offense was committed or the issue of whether or not the
437 victim consented.

438 Section 10. Paragraph (b) of subsection (1) of section
439 90.404, Florida Statutes, is republished, and paragraphs (b) and
440 (c) of subsection (2) of that section are amended, to read:

441 90.404 Character evidence; when admissible.—

442 (1) CHARACTER EVIDENCE GENERALLY.—Evidence of a person's
443 character or a trait of character is inadmissible to prove
444 action in conformity with it on a particular occasion, except:

445 (b) *Character of victim.*—

446 1. Except as provided in s. 794.022, evidence of a



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447 pertinent trait of character of the victim of the crime offered
448 by an accused, or by the prosecution to rebut the trait; or

449 2. Evidence of a character trait of peacefulness of the
450 victim offered by the prosecution in a homicide case to rebut
451 evidence that the victim was the aggressor.

452 (2) OTHER CRIMES, WRONGS, OR ACTS.—

453 (b)1. In a criminal case in which the defendant is charged
454 with a crime involving child molestation, evidence of the
455 defendant's commission of other crimes, wrongs, or acts of child
456 molestation is admissible and may be considered for its bearing
457 on any matter to which it is relevant.

458 2. For the purposes of this paragraph, the term "child
459 molestation" means conduct proscribed by s. 787.025(2)(c), s.
460 787.06(3)(g), ~~former~~ s. 787.06(3)(h), Florida Statutes 2012, s.
461 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
462 former s. 796.035, s. 800.04, s. 827.071, s. 847.0135(5), s.
463 847.0145, or s. 985.701(1) when committed against a person 16
464 years of age or younger.

465 (c)1. In a criminal case in which the defendant is charged
466 with a sexual offense, evidence of the defendant's commission of
467 other crimes, wrongs, or acts involving a sexual offense is
468 admissible and may be considered for its bearing on any matter
469 to which it is relevant.

470 2. For the purposes of this paragraph, the term "sexual
471 offense" means conduct proscribed by s. 787.025(2)(c), s.
472 787.06(3)(b), (d), (f), or (g), ~~former~~ s. 787.06(3)(h), Florida
473 Statutes 2012, s. 794.011, excluding s. 794.011(10), s. 794.05,
474 former s. 796.03, former s. 796.035, s. 825.1025(2)(b), s.
475 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1).



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476 Section 11. Paragraph (a) of subsection (4) of section
477 775.21, Florida Statutes, is amended to read:

478 775.21 The Florida Sexual Predators Act.—

479 (4) SEXUAL PREDATOR CRITERIA.—

480 (a) For a current offense committed on or after October 1,
481 1993, upon conviction, an offender shall be designated as a
482 “sexual predator” under subsection (5), and subject to
483 registration under subsection (6) and community and public
484 notification under subsection (7) if:

485 1. The felony is:

486 a. A capital, life, or first degree felony violation, or
487 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
488 is a minor and the defendant is not the victim’s parent or
489 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
490 violation of a similar law of another jurisdiction; or

491 b. Any felony violation, or any attempt thereof, of s.
492 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
493 787.025(2)(c), where the victim is a minor and the defendant is
494 not the victim’s parent or guardian; s. 787.06(3)(b), (d), (f),
495 or (g); ~~former~~ s. 787.06(3)(h), Florida Statutes 2012; s.
496 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
497 former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s.
498 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
499 916.1075(2); or s. 985.701(1); or a violation of a similar law
500 of another jurisdiction, and the offender has previously been
501 convicted of or found to have committed, or has pled nolo
502 contendere or guilty to, regardless of adjudication, any
503 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
504 787.02, or s. 787.025(2)(c), where the victim is a minor and the



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505 defendant is not the victim's parent or guardian; s.
506 787.06(3)(b), (d), (f), or (g); ~~former~~ s. 787.06(3)(h), Florida
507 Statutes 2012; s. 794.011, excluding s. 794.011(10); s. 794.05;
508 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
509 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
510 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a
511 similar law of another jurisdiction;

512 2. The offender has not received a pardon for any felony or
513 similar law of another jurisdiction that is necessary for the
514 operation of this paragraph; and

515 3. A conviction of a felony or similar law of another
516 jurisdiction necessary to the operation of this paragraph has
517 not been set aside in any postconviction proceeding.

518 Section 12. Paragraph (a) of subsection (1) of section
519 943.0435, Florida Statutes, is amended to read:

520 943.0435 Sexual offenders required to register with the
521 department; penalty.—

522 (1) As used in this section, the term:

523 (a)1. "Sexual offender" means a person who meets the
524 criteria in sub-subparagraph a., sub-subparagraph b., sub-
525 subparagraph c., or sub-subparagraph d., as follows:

526 a.(I) Has been convicted of committing, or attempting,
527 soliciting, or conspiring to commit, any of the criminal
528 offenses proscribed in the following statutes in this state or
529 similar offenses in another jurisdiction: s. 393.135(2); s.
530 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
531 the victim is a minor and the defendant is not the victim's
532 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); ~~former~~ s.
533 787.06(3)(h), Florida Statutes 2012; s. 794.011, excluding s.



534 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
535 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
536 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
537 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
538 offense committed in this state which has been redesignated from
539 a former statute number to one of those listed in this sub-sub-
540 subparagraph; and

541 (II) Has been released on or after October 1, 1997, from
542 the sanction imposed for any conviction of an offense described
543 in sub-sub-subparagraph (I). For purposes of sub-sub-
544 subparagraph (I), a sanction imposed in this state or in any
545 other jurisdiction includes, but is not limited to, a fine,
546 probation, community control, parole, conditional release,
547 control release, or incarceration in a state prison, federal
548 prison, private correctional facility, or local detention
549 facility;

550 b. Establishes or maintains a residence in this state and
551 who has not been designated as a sexual predator by a court of
552 this state but who has been designated as a sexual predator, as
553 a sexually violent predator, or by another sexual offender
554 designation in another state or jurisdiction and was, as a
555 result of such designation, subjected to registration or
556 community or public notification, or both, or would be if the
557 person were a resident of that state or jurisdiction, without
558 regard to whether the person otherwise meets the criteria for
559 registration as a sexual offender;

560 c. Establishes or maintains a residence in this state who
561 is in the custody or control of, or under the supervision of,
562 any other state or jurisdiction as a result of a conviction for



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563 committing, or attempting, soliciting, or conspiring to commit,
564 any of the criminal offenses proscribed in the following
565 statutes or similar offense in another jurisdiction: s.
566 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
567 787.025(2)(c), where the victim is a minor and the defendant is
568 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
569 or (g); ~~former~~ s. 787.06(3)(h), Florida Statutes 2012; s.
570 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
571 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
572 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
573 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
574 985.701(1); or any similar offense committed in this state which
575 has been redesignated from a former statute number to one of
576 those listed in this sub-subparagraph; or

577 d. On or after July 1, 2007, has been adjudicated
578 delinquent for committing, or attempting, soliciting, or
579 conspiring to commit, any of the criminal offenses proscribed in
580 the following statutes in this state or similar offenses in
581 another jurisdiction when the juvenile was 14 years of age or
582 older at the time of the offense:

583 (I) Section 794.011, excluding s. 794.011(10);

584 (II) Section 800.04(4)(a)2. where the victim is under 12
585 years of age or where the court finds sexual activity by the use
586 of force or coercion;

587 (III) Section 800.04(5)(c)1. where the court finds
588 molestation involving unclothed genitals; or

589 (IV) Section 800.04(5)(d) where the court finds the use of
590 force or coercion and unclothed genitals.

591 2. For all qualifying offenses listed in sub-subparagraph



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592 (1)(a)1.d., the court shall make a written finding of the age of
593 the offender at the time of the offense.

594

595 For each violation of a qualifying offense listed in this
596 subsection, except for a violation of s. 794.011, the court
597 shall make a written finding of the age of the victim at the
598 time of the offense. For a violation of s. 800.04(4), the court
599 shall also make a written finding indicating whether the offense
600 involved sexual activity and indicating whether the offense
601 involved force or coercion. For a violation of s. 800.04(5), the
602 court shall also make a written finding that the offense did or
603 did not involve unclothed genitals or genital area and that the
604 offense did or did not involve the use of force or coercion.

605 Section 13. Paragraph (b) of subsection (1) of section
606 944.606, Florida Statutes, is amended to read:

607 944.606 Sexual offenders; notification upon release.—

608 (1) As used in this section:

609 (b) "Sexual offender" means a person who has been convicted
610 of committing, or attempting, soliciting, or conspiring to
611 commit, any of the criminal offenses proscribed in the following
612 statutes in this state or similar offenses in another
613 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
614 787.02, or s. 787.025(2)(c), where the victim is a minor and the
615 defendant is not the victim's parent or guardian; s.
616 787.06(3)(b), (d), (f), or (g); ~~former~~ s. 787.06(3)(h), Florida
617 Statutes 2012; s. 794.011, excluding s. 794.011(10); s. 794.05;
618 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
619 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
620 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.



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621 916.1075(2); or s. 985.701(1); or any similar offense committed
622 in this state which has been redesignated from a former statute
623 number to one of those listed in this subsection, when the
624 department has received verified information regarding such
625 conviction; an offender's computerized criminal history record
626 is not, in and of itself, verified information.

627 Section 14. Paragraph (a) of subsection (1) of section
628 944.607, Florida Statutes, is amended to read:

629 944.607 Notification to Department of Law Enforcement of
630 information on sexual offenders.—

631 (1) As used in this section, the term:

632 (a) "Sexual offender" means a person who is in the custody
633 or control of, or under the supervision of, the department or is
634 in the custody of a private correctional facility:

635 1. On or after October 1, 1997, as a result of a conviction
636 for committing, or attempting, soliciting, or conspiring to
637 commit, any of the criminal offenses proscribed in the following
638 statutes in this state or similar offenses in another
639 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
640 787.02, or s. 787.025(2)(c), where the victim is a minor and the
641 defendant is not the victim's parent or guardian; s.
642 787.06(3)(b), (d), (f), or (g); ~~former~~ s. 787.06(3)(h), Florida
643 Statutes 2012; s. 794.011, excluding s. 794.011(10); s. 794.05;
644 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
645 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
646 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
647 916.1075(2); or s. 985.701(1); or any similar offense committed
648 in this state which has been redesignated from a former statute
649 number to one of those listed in this paragraph; or



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650 2. Who establishes or maintains a residence in this state
651 and who has not been designated as a sexual predator by a court
652 of this state but who has been designated as a sexual predator,
653 as a sexually violent predator, or by another sexual offender
654 designation in another state or jurisdiction and was, as a
655 result of such designation, subjected to registration or
656 community or public notification, or both, or would be if the
657 person were a resident of that state or jurisdiction, without
658 regard as to whether the person otherwise meets the criteria for
659 registration as a sexual offender.

660 Section 15. For the purpose of incorporating the amendment
661 made by this act to section 775.08435, Florida Statutes, in a
662 reference thereto, paragraph (m) of subsection (1) of section
663 924.07, Florida Statutes, is reenacted to read:

664 924.07 Appeal by state.—

665 (1) The state may appeal from:

666 (m) An order withholding adjudication of guilt in violation
667 of s. 775.08435.

668 Section 16. This act shall take effect July 1, 2016.

669
670 ===== T I T L E A M E N D M E N T =====

671 And the title is amended as follows:

672 Delete everything before the enacting clause
673 and insert:

674 A bill to be entitled
675 An act relating to offenses involving minors and
676 vulnerable persons; amending ss. 92.53 and 92.54,
677 F.S.; increasing the maximum age at which a victim or
678 witness under may be allowed to testify via closed



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679 circuit television rather than in a courtroom in
680 certain circumstances; amending s. 92.55, F.S.;
681 revising the definition of the term "sexual offense
682 victim or witness"; increasing the maximum age of
683 victims and witnesses for whom the court may enter
684 protective orders; authorizing certain advocates to
685 file motions for such orders on behalf of certain
686 persons; amending s. 741.281, F.S.; requiring a court
687 to order that a defendant attend and complete a
688 parenting course if domestic violence was committed
689 upon or in the presence of a child; amending s.
690 741.283, F.S.; increasing the minimum sentence that a
691 court is required to order a person to serve if he or
692 she is adjudicated guilty of domestic violence and
693 intentionally causes bodily harm to another person;
694 amending s. 775.08435, F.S.; prohibiting a court from
695 withholding adjudication for a third degree felony
696 offense of domestic violence; providing exceptions;
697 amending s. 782.04, F.S.; including human trafficking
698 as an underlying felony offense to support a felony
699 murder conviction; amending s. 787.06, F.S.; providing
700 increased criminal penalties for human trafficking
701 offenses if the victim suffers great bodily harm,
702 permanent disability, or permanent disfigurement;
703 specifying that penalties for branding must be for the
704 purpose of committing the offense of human
705 trafficking; prohibiting certain defense to
706 prosecution; amending s. 794.022, F.S.; including
707 human trafficking and lewd and lascivious offenses in



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708 the rules of evidence applicable to sexually-related
709 offenses; amending ss. 90.404, 775.21, 943.0435,
710 944.606, and 944.607, F.S.; conforming provisions to
711 changes made by the act; reenacting s. 924.07(1)(m),
712 F.S., relating to an appeal by the state, to
713 incorporate the amendment made to s. 775.08135, F.S.,
714 in a reference thereto; providing an effective date.